

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

David M. Martinko

v.

Case No. 19-cv-221-SM

NH State Prison for Men, Warden

ORDER

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated November 9, 2020. I also approved the Endorsed Report and Recommendations by Magistrate Judge Andrea K. Johnstone dated November 17, 2020 and November 20, 2020. Additionally, finding that the petitioner has failed to make substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c) (2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0. The clerk of court shall enter judgment and close the case.

**So Ordered.**

  
Steven J. McAuliffe  
United States District Judge

Date: November 23, 2020

cc: David M. Martinko, pro se  
Weston Robert Safer, Esq.